

SEP 29 2005

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

LEONARDO M. RAPADAS  
United States Attorney  
TIMOTHY E. MORAN  
Assistant U.S. Attorneys  
DISTRICT OF THE NORTHERN  
MARIANA ISLANDS  
Horiguchi Building, Third Floor  
P.O. Box 500377  
Saipan, MP 96950  
Telephone: (670) 236-2982  
Fax: (670) 236-2985

Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA	)	Criminal Case No. <u>00-00018-001</u>
vs.	)	GOVERNMENT'S MEMORANDUM IN
EPITACIO L. LUMACTOD,	)	OPPOSITION TO DEFENDANT'S
Defendant.	)	MOTION FOR EARLY TERMINATION OF
	)	PROBATION TERM
	)	Date: October 13, 2005
	)	Time: 9:00 a.m.

COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Leonardo M. Rapadas, United States Attorney, and Timothy E. Moran, Assistant United States Attorney, and hereby files its memorandum in opposition to defendant Epitacio L. Lumactod's motion to amend judgment for early termination of probation term. The Government requests the Court deny the motion because, by satisfactorily complying with the terms of probation thus far, the defendant has done no more than he is obliged to do and does not thereby deserve a reduction in the Court's sentence.

The Government does not dispute that the defendant currently meets the terms of his probation, including payment of his fine, fee and costs. The defendant has also completed approximately three fifths of his period of probation. However, the defendant has done only what he is required to do under the terms of the Court's sentence. He has not exceeded the terms of his probation.

1 The Court's sentence was intended, in part, to punish the defendant. The defendant has not  
2 demonstrated why he should be released from part of his punishment simply because he has done only  
3 what he is required to do. In addition, the sentence was intended to prevent further criminal acts. To the  
4 Government's knowledge, the defendant still works as a contractor, in a field where he might encounter  
5 further opportunities for bribery. Accordingly, the Government opposes the defendant's motion for early  
6 termination of his probation.

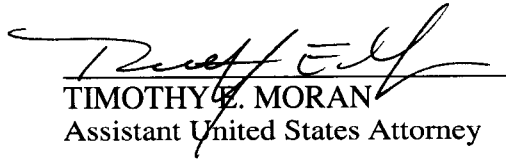
7 The Government understands that the defendant seeks to terminate his probation early so that he  
8 would not have to notify Probation every time he has to travel to Guam for work, among other reasons.  
9 The Government would not object to amending the terms of his probation to make this requirement less  
10 onerous to the defendant.

11 Dated: September 29, 2005  
12 Saipan, CNMI

13 Respectfully submitted,

14 LEONARDO M. RAPADAS  
15 United States Attorney  
16 Districts of Guam and the NMI

17 By:

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19 TIMOTHY E. MORAN  
20 Assistant United States Attorney  
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